

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/483,504	TENG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sudhaker B. Patel, D.Sc.Tech.	1624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/05.
2. ☒ The allowed claim(s) is/are 1,37,52,53 and 65-87.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                 |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>1/10/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>7/23/01 &amp; 7/24/00</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|   | 9. <input type="checkbox"/> Other _____.  |

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### EXAMINER'S AMENDMENT


1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with ATTY. Ms R. Green on 1/10/05.

The application has been amended as follows:

(A). Please amend the specification as: This application is related to U. S. Provisional Application Sr. NO.60116116, filed 1/15/1999, and claims the benefit of Denmark PA 199900041, filed 1/15/1999.

  
RICHARD L. RAYMON  
PRIMARY EXAMINER  
ART UNIT 1624

  
SBP 1/10/05

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2. The following is an examiner's statement of reasons for allowance:

3. Applicants' communication paper dated 1/5/05 is acknowledged (See also attached examiner's amendment and Interview Summary dated 1/10/05). Together with their earlier amendment(s), applicants have cancelled claims 2-36,38-51,54-64, and added new claims 71-87. Therefore, claims under consideration are the claims 1,37,52,53,65-87, which are renumbered as claims 1-27 respectively.

4. Applicants have presented the claims, which are definite, and they have clarity.

5. Applicants' above stated cancellation of claims, amendments, addition of new claims and their remarks are sufficient for the withdrawal of rejections made under 35 U.S.C. 112 paragraph second.

6. The rejections (see office communication paper dated 7/6/04) made under 35 U.S.C. 102(b) are made moot by amending the claim 1. Additionally, the instantly claimed invention teaches the method of use for its compounds wherein the human GLP-1 receptor activity is involved. The references of record teach different utility e.g. NDMA receptor activity or fungicide or herbicide. Wozniak does not say anything about the utility of the compounds described therein.

7. The closest prior art(s)ref. of record Englehardt et al (DE 2433397) teaches Quinoxalinbe, 6,7-dichloro-2- (1-piperazinyl)-monohydrochloride.

7.1.1. The ref. '397 differs from the instant compounds by not having N of instant -NR9, and also the -L-A component is absent.

7.1.2. The other ref. art of record Page et al (Chemical Abstract DN 129:224913, also cited as ACS, Inorganic Cheistry, 367/17,4452-4459(1998) tyeachesquinoxaline, 6,7-dichloro-2, 3-di-2-quinolinyl-.

Page differs from the instantly claimed compounds by not having bridged similar to instant -L-A & -M-B.

Neither Englehardt nor Page indicate or suggest to arrive at the allowable subject matter of invention of Group III.

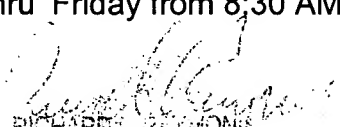
7. Therefore, the instant invention is deemed to be novel and patentably distinct.

8. Signed copies of IDS papers submitted on 7/24/00 & 7/23/01 are enclosed with this communication for applicants' records.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker Patel, D.Sc. Tech., whose telephone number is (703) 308 4709.

The examiner can normally be reached on Monday thru' Friday from 8:30 AM to 5:00 PM.


  
RICHARD L. BATMONA  
PRIMARY EXAMINER  
ART UNIT 1624

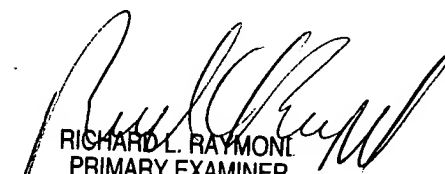
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If attempts to reach the examiner by the phone are unsuccessful, the examiner's supervisor, Dr. Mukund Shah can be reached at (703) 308 4716 or Sr. Examiner Mr. Richard Raymond at (703)308 4523.

A facsimile center has been established for Group 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703) 308-4556 or (703) 305-3592.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 1235.

  
**Sp**  
January 10, 2005

  
RICHARD L. RAYMOND  
PRIMARY EXAMINER  
ART UNIT 1624  
**Mukund Shah**  
**Supervisory Patent Examiner**  
**Art Unit 1624**